

---

**THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

---

**BLUERIBBON COALITION, INC., *et al.*,**

**and**

**STATE OF UTAH, *et al.*,**

**Plaintiffs,**

**v.**

**U.S. BUREAU OF LAND  
MANAGEMENT, *et al.*,**

**Defendants,**

**and**

**SOUTHERN UTAH WILDERNESS  
ALLIANCE,**

**Intervenor-Defendant.**

**SCHEDULING ORDER IN  
CONSOLIDATED ADMINISTRATIVE  
CASES UNDER DUCivR 7-4**

**Case No. 2:23-cv-00923-DAK-JCB (lead)  
Case No. 4:24-cv-00046-DAK-JCB**

**District Judge Dale A. Kimball  
Magistrate Judge Jared C. Bennett**

---

Pursuant to Rule 7-4(c) of the Local Rules of Civil Practice of the United States District Court for the District of Utah, the parties submit this Joint Motion for Administrative Appeal Scheduling Order.<sup>1</sup> The court previously addressed items I-IV below prior to consolidation in *BlueRibbon Coalition*, No. 23-cv-00923-DAK-JCB,<sup>2</sup> and the parties now seek to reconcile (and

---

<sup>1</sup> ECF No. 64, No. 2:23-cv-00923-DAK-JCB.

<sup>2</sup> ECF No. 50, No. 2:23-cv-00923-DAK-JCB.

modify) that schedule while setting a schedule in *State of Utah*, No. 4:24-cv-00046-DAK-JCB to govern further proceedings in these consolidated cases.

## **I. Agency Decision Challenged**

Both Plaintiffs groups challenge Defendant United States Bureau of Land Management's ("BLM") September 2023 Decision Record ("DR") adopting the Labyrinth/Gemini Bridges Travel Management Plan ("TMP"), which designated 810.5 miles of routes as open for motorized use and closed 317.2 miles to motorized use within the Labyrinth/Gemini Bridges Travel Management Area.

## **II. Plaintiffs' Grounds for Challenging Agency Decision**

The Utah Plaintiffs claim the TMP and DR unlawfully: (1) violate the Administrative Procedure Act, 5 U.S.C. §§ 701-706 ("APA"), by impairing Plaintiffs' ability to conduct discovery on routes involved in other litigation; (2) impair access to State-owned lands; (3) violate the Federal Land Policy Management Act, 43 U.S.C. § 1701, *et seq.* ("FLPMA"), by failing to sufficiently allow for Governor's consistency review; (4) violate FLPMA's multiple use mandate; (5) violate FLPMA by establishing de facto wilderness management; (6) violate the National Historic Preservation Act, 54 U.S.C. § 100101, by failing to evaluate the eligibility of certain TMP routes for inclusion in the National Register of Historic Places; and (7) violate the APA through the BLM Deputy Director's alleged conflict of interest.<sup>3</sup>

---

<sup>3</sup> ECF No. 1, No. 4:24-cv-00046-DAK-JCB.

### **III. Agency's Reasons in Support of Agency Decision**

Federal Defendants deny that BLM's decision and agency action to approve the Labyrinth/Gemini Bridges TMP and DR "is arbitrary and capricious, not supported by substantial evidence, or otherwise contrary to law."<sup>4</sup> Federal Defendants plead the following affirmative defenses: (1) Plaintiffs fail to state a claim upon which relief may be granted, (2) Plaintiffs lack standing to bring all or some of their claims; (3) Plaintiffs have failed to properly establish subject matter jurisdiction; and (4) Plaintiffs have failed to demonstrate that all or some of their claims are ripe for judicial review.<sup>5</sup>

Intervenor-Defendant likewise denies that the TMP and DR was arbitrary, capricious or otherwise contrary to law.<sup>6</sup> Defendant-Intervenor also raises the following affirmative defenses: (1) Plaintiffs fail to state a claim upon which relief may be granted for all or some of the claims in the Complaint; (2) All or some of Plaintiffs' claims in the Complaint are not ripe; and (3) Plaintiffs lack subject matter jurisdiction for all or some of the claims in the Complaint.<sup>7</sup>

### **IV. Filing Dates of Relevant Documents**

The court HEREBY VACATES the Order to Propose Schedule in Case No. 4:24-cv-00046,<sup>8</sup> and enters the following schedule to govern further proceedings in these consolidated cases.

---

<sup>4</sup> ECF No. 27, No. 4:24-cv-00046-DAK-JCB.

<sup>5</sup> *Id.*

<sup>6</sup> ECF No. 28, No. 4:24-cv-00046-DAK-JCB.

<sup>7</sup> *Id.*

<sup>8</sup> ECF No. 26.

- a. The Administrative Record was lodged with the court on June 21, 2024,<sup>9</sup> which shall be the focal point of judicial review in both cases. There is no need to calendar proceedings to address conferral upon or supplementation of the Administrative Record.
- b. Plaintiffs' Opening Briefs: **September 6, 2024.**
- c. Federal Defendants' Response Brief: **November 5, 2024.** Federal Defendants shall file a single consolidated Response Brief addressing Plaintiffs' Opening Briefs in both cases. As a result, the page limit in DUCivR 7-4(d)(4) is extended to 20,000 words.
- d. Intervenor-Defendant's Response Brief: **November 19, 2024.** Intervenor-Defendant shall file a single consolidated Response Brief addressing Plaintiffs' Opening Briefs in both cases, which shall strive to not be duplicative of the Federal Defendants' Response Brief. The page limit in DUCivR 7-4(d)(4) is extended to 16,500 words.
- e. Plaintiffs' Reply Briefs: **December 20, 2024.** The page limit in DUCivR 7-4(d) is extended to 9,750 words for each Reply Brief.
- f. The parties agree not to oppose a reasonable request for further extension of page limits as may become necessary upon preparation of any of the above-described briefs.

---

<sup>9</sup> ECF No. 55, No. 2:23-cv-00923-DAK-JCB.

IT IS SO ORDERED.

DATED this 30th day of July 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Jared C. Bennett", written over a horizontal line.

JARED C. BENNETT  
United States Magistrate Judge